

# **EXHIBIT A**

State of Alabama Unified Judicial System  Form C-10 Page 1 of 2	<b>AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER</b>	Case Number  <i>CV18-224</i>
IN THE <i>Circuit</i> (Circuit, District, or Municipal)	COURT OF <i>Etowah</i> (Name of County or Municipality)	ALABAMA
STYLE OF CASE: <i>Loretta Y. Marie v. Tyson Foods Inc.</i>	Plaintiff(s)	Defendant(s)
TYPE OF PROCEEDING:	CHARGE(s) (if applicable):	
<input checked="" type="checkbox"/> CIVIL CASE - I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case. <input type="checkbox"/> CIVIL CASE - (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me. <input type="checkbox"/> CRIMINAL CASE - I am financially unable to hire an attorney and request that the court appoint one for me. <input type="checkbox"/> DELINQUENCY/NEED OF SUPERVISION - I am financially unable to hire an attorney and request that the court appoint one for my child/me		
AFFIDAVIT		
SECTION 1.		
1. IDENTIFICATION		
Full name <i>Loretta Yvonne Marie</i>		Date of Birth <i>12/13/58</i>
Spouse's full name (if married) <i>None</i>		
Complete home address <i>512 Valley St.</i>		
Number of people living in household <i>3</i>		
Home telephone number <i>None</i>		
Occupation/Job _____ Length of employment <i>None</i>		
Driver's license number <i>3874486</i> *Social Security Number <i>[REDACTED]</i>		
Employer _____ Employer's telephone number _____		
Employer's address _____		
2. ASSISTANCE BENEFITS		
Do you or anyone residing in your household receive benefits from any of the following sources? (please check those which apply)		
<input type="checkbox"/> AFDC <input type="checkbox"/> Food Stamps <input type="checkbox"/> SSI <input type="checkbox"/> Medicaid <input type="checkbox"/> Other _____		
3. INCOME/EXPENSE STATEMENT		
Monthly Gross Income: Monthly Gross Income _____ Spouse's Monthly Gross Income (unless a marital offense) _____ Other Earnings: Commissions, Bonuses, Interest Income, etc., _____ Contributions from Other People Living in Household _____ Unemployment/Workmen's Compensation, Social Security, Retirements, etc., _____ Other Income (be specific) _____		
<i>FILED</i> <i>DEC 10 2018</i> <i>SANDRA "SAM" JOHNSON</i> <i>CIRCUIT COURT CLERK</i> <i>\$ - 0 - 1</i> <i>\$ 230.00 per week (\$ 1,540.00 monthly)</i> <i>(\$ 920.00 per month)</i> <i>\$ 920.00</i>		
TOTAL MONTHLY GROSS INCOME _____		
Monthly Expenses:		
A. Living Expenses Rent/Mortgage _____ Total Utilities: Gas, Electricity, Water, etc. _____ Food _____ Clothing _____ Health Care/Medical _____ Insurance _____ Car Payment(s)/Transportation Expenses _____ Loan Payment(s) _____		

\*OPTIONAL

## DOCUMENT 2

AFFIDAVIT OF SUBSTANTIAL, HARDSHIP AND ORDER	
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Monthly Expenses:(cont'd page1) Credit Card Payment(s) <u>\$ 700.00</u> Educational/Employment Expenses Other Expenses (be specific) <u>Car - Auto</u> <u>\$ 650.50</u>	
Sub-Total <u>A \$</u> B. Child Support Payment(s)/Alimony <u>\$ _____</u> Sub-Total <u>B \$</u> C. Exceptional Expenses <u>\$ _____</u> TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only) <u>\$ 2627.40</u>	
Total Gross Monthly Income Less total monthly expenses: DISPOSABLE MONTHLY INCOME <u>\$ _____</u>	
4. LIQUID ASSETS: Cash on Hand/Bank, or otherwise available such as stocks, bonds, certificates of deposit) <u>\$ 4000.00</u> Equity in Real Estate (value of property less what you owe) <u>\$ 20,000.00</u> Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) Other (be specific) Do you own anything else of value? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (land, house, boat, TV, stereo, jewelry) If so, describe <u>TV</u> TOTAL LIQUID ASSETS <u>\$ 74500.00</u>	
5. Affidavit/Request I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury, I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel. Sworn to and subscribed before me this <u>4</u> day of <u>December</u> Judge/Clerk/Notary <u>Loretta Marie</u> Loretta Marie Print or Type Name	
ORDER OF COURT SECTION II IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS: <input type="checkbox"/> Affiant is not Indigent and request is DENIED. <input type="checkbox"/> Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay <u>\$ _____</u> towards the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: <input checked="" type="checkbox"/> Affiant is Indigent and request is GRANTED. <input checked="" type="checkbox"/> The prepayment of docket fees is waived. IT IS FURTHER ORDERED AND ADJUDGED that _____ is hereby appointed as counsel to represent affiant. IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court. Done this _____ day of _____	
<u>William H. Potts</u> Judge	

State of Alabama Unified Judicial System <b>Form C-34</b> Rev. 4/2017	<b>SUMMONS</b> <b>-CIVIL-</b>	Court Case Number 31-CV-2018- <i>224 WPSO</i>
<p><b>IN THE</b> <u>Circuit</u> <b>COURT OF</b> <u>Etowah</u> <b>COUNTY, ALABAMA</b></p> <p>(Circuit, District, or Juvenile) <u>Loretta Marie</u> v. <u>Tyson Foods, Inc aka Tyson Foods of Alabama, Inc</u></p> <p>(Name(s) of Plaintiff(s)) <u>also known by various other names...</u> (Name(s) of Defendant(s))</p> <p><b>NOTICE TO:</b> <u>CT Corporation System registered agent for Tyson Foods, Inc. aka Tyson Foods of Alabama, Inc.</u> <u>2 North Jackson Street, Suite 605, Montgomery, Alabama 36104</u> <u>also known by various other names</u></p> <p>(Name and Address of Defendant) <u>Daniel B. King</u> (Name(s) of Attorney(s))</p> <p>THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), <u>King and King Attorneys, P.C., 757 Chestnut Street Gadsden, Alabama 35901</u>, WHOSE ADDRESS(ES) IS/ARE: <u>King and King Attorneys, P.C., 757 Chestnut Street Gadsden, Alabama 35901</u></p> <p>(Address(es) of Plaintiff(s) or Attorney(s))</p> <p>THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN <u>30</u> DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFALCE MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.</p> <p style="text-align: right;"><i>FILED</i> <i>EC 10 2018</i></p> <p><b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:</b></p> <p><input checked="" type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.</p> <p><input type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of _____ (Name(s)) pursuant to the Alabama Rules of Civil Procedure.</p> <p><u>12/10/18</u> (Date) <u>Cassandra Johnson</u> By: <u>cc</u> (Signature of Clerk) (Name)</p> <p><input type="checkbox"/> Certified Mail is hereby requested.</p> <p style="text-align: center;">(Plaintiff's/Attorney's Signature) <u>SIC</u></p> <p><b>RETURN ON SERVICE</b></p> <p><input type="checkbox"/> Return receipt of certified mail received in this office on _____ (Date)</p> <p><input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County, _____ (Name of Person Served) (Name of County) Alabama on _____ (Date)</p> <p>(Type of Process Server) _____ (Server's Signature) _____ (Address of Server)    (Server's Printed Name) _____ (Phone Number of Server)</p>		

DOCUMENT 3

State of Alabama Unified Judicial System  Form AR Civ-93 Rev.599		<b>COVER SHEET</b> <b>CIRCUIT COURT – CIVIL CASE</b> <small>(Not For Domestic Relations Cases)</small>		Case Number C.V. 2018 224 1080	Date of Filing: Month Day Year	Judge Code:
<b>GENERAL INFORMATION</b>						
IN THE CIRCUIT COURT OF _____ Loretta Marrie			Etowah, ALABAMA (Name of County) v. Tyson Foods, Inc aka Tyson Foods of Alabama, Inc.			
First Plaintiff	Plaintiff <input type="checkbox"/> Business <input type="checkbox"/> Government <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Other		First Defendant	Defendant also known by various <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Other Names		
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:						
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TOFM - Fraud/Bad Faith/Misrepresentation <input checked="" type="checkbox"/> TOXX - Other: <i>Alleged Disciplinary</i>			<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Control/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction/ Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVJD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case			
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property						
<b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Mortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services						
ORIGIN (check one): <input type="checkbox"/> F <input checked="" type="checkbox"/> INITIAL FILING			<input type="checkbox"/> APPEAL FROM DISTRICT COURT		<input type="checkbox"/> OTHER: _____	
<input type="checkbox"/> REMANDED			<input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT			
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)			
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED			<input type="checkbox"/> NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: K I N 0 0 9		Date 12/5/18 <i>[Signature]</i> Signature of Attorney/Party filing this form				
MEDIATION REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNDECIDED						

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CASSANDRA "SAM" JOHNSON  
CIRCUIT COURT CLERK

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

LORETTA MARRIE, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO: CV-2018-\_\_\_\_\_ )  
Defendants.

TYSON FOODS, INC., also known as TYSON FOODS OF ALABAMA INC., also known by various other names; Defendants 2-12 being the person or persons, firm or firms, corporation or corporations, responsible for any of the injuries, damages and losses suffered by the Plaintiff, and/or the wrongs perpetrated as against the Plaintiff whose true names are otherwise unknown at this time but upon ascertaining the Defendants true names they will be substituted for the aforementioned fictitious party defendants, by amendment,

**COMPLAINT**

*(ALABAMA AGE DISCRIMINATION, PURSUANT TO CODE OF ALABAMA 25-1-22  
et. seq. As well as the rest of the Law of Alabama.)*

COMES NOW, the Plaintiff, Loretta Marrie, by and through counsel and brings this claim against the Defendant's for terminating her employment solely because of her age in violation of the Code of Alabama 25-1-22 et.seq. and for grounds shows this Court following:

1. That Loretta Marrie is the Plaintiff in the above style cause of action. She is age 59 years old; DOB: 12/13/1958. The Plaintiff is a resident citizen of Alabama and has been a resident citizen of Etowah County, Alabama at all material times, made the basis of this civil action. That the Defendant Employer, Tyson Foods, Inc., also known by Tyson Foods of Alabama, Inc., also known by various other names, also does business in Alabama and has done so at all material times made the basis of this civil cause of action.
2. At all relevant times the Defendant/Employer employed more than 20 employees.
3. That the Defendant, Employer, terminated Plaintiff, an employee who had worked for the Defendant/Employer for approximately (40+) years on September 17<sup>th</sup>, 2018 solely because of her age, in violation of Code of Alabama 25-1-22 et.seq. and the law of Alabama.

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CIRCUIT COURT CLERK

4. The Plaintiff had an excellent work history. The Defendant/Employer further failed to offer the Plaintiff another position due to her age. Positions were available at the time of her termination. The Plaintiff was one of the oldest employees the Defendant/Employer had.
5. On September 17<sup>th</sup>, 2018 when the Defendant/Employer's authorized agents terminated the Plaintiff the Defendant/Employer's authorized agents told the Plaintiff she was being terminated. The Defendant/Employer claimed that the Plaintiff had done something wrong and the Plaintiff had not. The Plaintiff was totally shocked. She was a good employee and an honest employee. The Defendant/ Employer's wanted the Plaintiff to sign several documents that stated she was being suspended that revealed that she had done something wrong when she had not therefore the Plaintiff did not sign said documents.
6. 2. As a consequence, the Plaintiff has suffered loss of a (40) year job, loss of wages, benefits, etc. as well as suffered mental anguish and emotional distress.
7. Plaintiff is entitled to damages for the willful misconduct of the Defendant Employer.
8. Plaintiff is entitled to attorney's fees and costs of Court also.
9. Plaintiff is entitled to reinstatement with agreements that she won't be set up again by the Defendant Employer or other supervisory personnel.
10. The Defendant Employer is in fact guilty of a pattern practice of Age Discrimination.
11. The Defendant Employer should also be required to pay not only compensatory damages but also double the compensatory damages because of the Defendant/ Employer's willful misconduct as aforesaid.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands Judgment as against the Defendant Employer for an amount within the jurisdictional limit of the Court, including compensatory damages, double compensatory damages, etc., interest and costs of Court.

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CIRCUIT COURT OF FLA

*Loretta Marrie*  
Loretta Marrie, Plaintiff

Sworn to and subscribed before me this 10 day of December, 2018.

*Kevin M. King*  
Notary Public  
My Commission  
Expires: 6/29/2020

Respectfully Submitted,  
King and King Attorneys, P.C.

By: DK  
Daniel B. King KIN 009

OF COUNSEL:  
Daniel B. King  
King & King Attorneys, P.C.  
757 Chestnut Street  
Gadsden, AL 35901  
Phone #: (256)-547-2431  
Fax#: (256)-546-5675

JURY DEMAND

Plaintiffs demand a trial of all issues involved in this cause by struck Jury.

*DK*  
COUNSEL FOR PLAINTIFF

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CASSANDRA "SAM" JOHNSON  
CIRCUIT CLERK OF COURT



**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

LORETTA MARRIE, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO: CV-2018-\_\_\_\_\_  
Defendants.

TYSON FOODS, INC., also known as TYSON FOODS OF ALABAMA INC., also known by various other names; Defendants 2-12 being the person or persons, firm or firms, corporation or corporations, responsible for any of the injuries, damages and losses suffered by the Plaintiff, and/or the wrongs perpetrated as against the Plaintiff whose true names are otherwise unknown at this time but upon ascertaining the Defendants true names they will be substituted for the aforementioned fictitious party defendants, by amendment,

Defendants.

**PLAINTIFF (S) FIRST INTERROGATORIES TO DEFENDANTS AND REQUEST FOR PRODUCTION**

(Plaintiff Request Production of All Documents in Paper Form, Not by CD Disk)

1. State Defendant(s) correct legal name.
2. Name each department or other operative unit of Defendant Employer, also know by various other names, setting forth for each:
  - a.) Name, office address and title of the officer, manager or employee in charge;
  - b.) A brief description of its function;
3. Is there an organization chart for the Defendant(s)? If so state:
  - a.) The name and address of the custodian of such chart;
  - b.) Produce a copy of such chart pursuant to ARCP and if so, attach a copy to your answers to the interrogatories.
4. Is the Defendant(s) a party to a collective bargaining agreement with any union or labor organization? If so,
  - a.) State separately for the Defendant(s) the name of the union or labor organization, the local numbers of each unit representing employees of the Defendant, the effective date of the agreement and the duration of the agreement.

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CIRCUIT CLERK

5. List by name and location all newspapers and publications, Internet site formats, etc. in which the Defendant(s) regularly advertises for the filling of job vacancies.

6. State the name and form number of each application for employment currently in use. (Please produce the employment application forms in use for 2018).

7. State the name and age of the employer currently working the position that the Plaintiff used to work before the Defendant terminated her on 9/17/2018.

8. Do you maintain descriptions for all positions or job titles of Defendant Employer? State the position descriptions and job duties in effect on the date of your answers to this interrogatory state:

- a.) The name of each position/job and the job duties for same;
- b.) Please produce a copy of all documents with said information and said jobs/positions set forth in your Answer to subparagraph (a) of this Interrogatory.

9. State the office address of each office at which employee personnel files are maintained and specify the nature of the employee personnel files maintained at each such office. Such as all of the documents and records contained therein and such information said documents relate/refer to. (Please produce Plaintiff's complete personnel file for the entire (40+) years she has worked for the Defendant).

10. For the Defendant Employer, also known by various other names, state whether there is a personnel manual setting forth personnel policy, organizational information, if so, for each manual state;

- a.) The name of the manual.
- b.) A description of its contents.
- c.) The name and section of the department or operational unit responsible for maintaining and updating the manual.
- d.) The names, office addresses and titles of the persons to whom it is distributed.
- e.) The name, office addresses and title of the person who is the custodian of the manual.
- f.) Please produce any and all manuals that Tyson Foods Inc., also known by various other names had at the time the Plaintiff was terminated on 9/17/2018.

11. List all personnel forms maintained or used for each individual employee, such as employment history, status, transfer, and payroll setting forth the following for each form;

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CIRCUIT COURT CLERK

- a.) The name and form number
- b.) Please produce the forms listed in your answer to Interrogatory number 11 pursuant to ARCP, please attach copies of each such form to your answers to these Interrogatories.

12. Does Defendant Employer, also know by various other names; maintain a system or procedure for employee performance evaluation? If so, provide separately for the Defendant Employer the following:

- a.) A brief description of the system or procedure;
- b.) The location and name of the files or documents containing a description of the system or procedure;
- c.) The name, office address and title of the custodian of the files or documents set forth in your answer to subparagraph (b) of this Interrogatory;
- d.) A list of the forms by name currently in use in connection with performance evaluations and whether copies of such forms are placed in the employees individual personnel file;
- e.) The date on which the performance evaluation system or procedure described in this Interrogatory went into effect.
- f.) Please produce all documents relating to the Plaintiff such as employee performance evaluations for the entire time she worked for the Defendant/Employer for the last (40+) years.

13. State separately for each year, the number of employees, their name, their ages, whether discharged, terminated or laid off, including temporary lay-offs, commencing with 1/01/2013, and for each year thereafter through the present. (Please produce copies of all of said documents)

14. Does the Defendant Employer, also know by various other names, have a policy or procedure for transfer of employees from one department or operational unit within the same company? If so, describe. (Please produce a copy of said policy or procedures for said events.)

15. State and describe in detail the operations of any seniority system in use specifically stating:

- a.) The name of the plan;
- b.) The effective date of the plan;
- c.) The reason for the enactment of the plan;
- d.) All governmental agencies or departments to which the plan is required by law to be submitted;
- e.) Whether the Defendant Employer, also know by various other names, is required to maintain records in filing a breakdown of

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CIRCUIT COURT OF ILLINOIS

employees by age and, if so, describe and specify each such record including its date;

- f.) Whether the Defendant Employer, also known by various other names, has submitted any reports to any governmental agency or department, which includes a breakdown of employees by age and if so, specifically identify each report, state its contents and the date it was submitted. Also, please produce copies of each such report to your answers to these interrogatories;
- g.) The name, office address and title of the person responsible for the administration of the plan;
- h.) Again please produce a copy of the plan(s).

16. State whether any employee of the Defendant/Employer's, also known by various other names, job applicants or other person has ever filed a complaint with the United States Department of Labor, or any other governmental agency or department and/or claim of age discrimination with the Defendant charging the Defendant/Employer with age discrimination. If so, for each such complaint state:

- a.) The name and address of the complainant;
- b.) The date of the complaint;
- c.) The agency or department with which it was filed;
- d.) The nature and substance of the Complaint;
- e.) The date and substance of any action taken by the agency or department.
- f.) Please produce a copy of each said complaint made in the last (5) years against the Defendant/Employer.

17. State whether any civil action has been filed in any court charging the Defendant(s) with age discrimination within the last five years. If so, for each such action state:

- a.) The name of the court in which the action was instituted or is pending and the action number;
- b.) The names of all parties to the action;
- c.) The nature and substance of the allegations to the complaint;
- d.) The disposition of the action or its current status.
- e.) Please produce a copy of the case action summary sheet of each such case in Federal or State Court.

18. State for the named Plaintiff the following information:

- a.) The date of hiring;
- b.) Educational level attained at the time of hiring;
- c.) Job title, grade or salary level and rate of pay at date of hire;
- d.) The company or Defendant Employer by which employed and the department or operational unit to which assigned at date of hire

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CIRCUIT CLERK, U.S. CIRCUIT COURT OF APPEALS

- e.) Each job title held since date of hire specifying for each the grade of salary level, the rate of pay, the company or Defendant by which employed, the department or operational unit to which assigned and the inclusive dates the job title was held;
- f.) All salary increases given since date of hire and the dates on which each increase became effective;
- g.) Whether Plaintiff has at any time requested a transfer or promotion which has been denied and, if so, the reasons for the denial;
- h.) Whether Plaintiff or any other employees has at any time been given notice of discharge, termination or lay-off and, if so, the reasons for the notice and the final disposition of the notice and date of final disposition and the employee number of each such employee.
- i.) Please produce a copy of the entire personnel file of the Plaintiff in this case for the entire time the Plaintiff has worked for the Defendant/Employer no matter what company owned the Defendant Company.

19. Did Plaintiff have a written job description? If so, please set forth. If not, please describe Plaintiffs' job duties. Please produce copies of any documents that described the Plaintiff's job duties for 2018.

20. Until the date Plaintiff was terminated from working for you, was there ever any complaint relative to her ability to do her work? If so, please detail. Please provide a copy of all of the said documents for the last (5) years to date.

21. Who was present when Plaintiff was discharged? Please produce any and all documents signed by said individuals present when the Plaintiff was terminated that relates in any way to the Plaintiff's termination.

22. What was said and by whom to Plaintiff when she was discharged? Please produce any and all tapes, digital recordings, etc. of the Plaintiff's conversations that relate to her suspension and/or termination.

23. What persons are known to you to have personal knowledge of the incident that the Defendant Employer claims was the reason Plaintiff was terminated from working for Defendant Employer? Please produce all documents that in any way relation to the Plaintiff's termination.

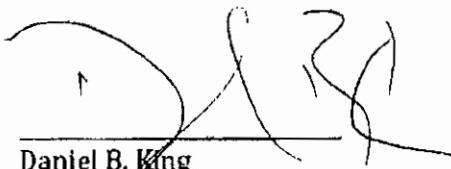
24. What do you now claim caused Plaintiffs' employment to terminate with your company? Please produce all documents that in any way relate to the Plaintiff's termination from the Defendant/Employer.

25. What facts and evidence do you rely on to prove your denial that Plaintiff was discharged because of her age? Please produce said documents.

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CIRCUIT COURT CLERK

26. Have you ever terminated another employee for the same reason? If so, give name, address and reason for said termination. Please produce a copy of all said termination documents.

27. Identify specifically all document, records or other materials used in preparing your answers to or containing information relating to matters raised in the preceding interrogatories setting forth such information separately for each interrogatory and indicating the location and custodian. Please produce all of said documents if not already produced.



Daniel B. King  
Attorney for Plaintiff

OF COUNSEL:

Daniel B. King  
King & King Attorneys, P.C.  
757 Chestnut Street  
Gadsden, AL 35901  
Phone #: (256)-547-2431  
Fax#: (256)-546-5675

SERVED WITH SUMMONS AND COMPLAINT

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CASSANDRA "SAM" JOHNSON  
CIRCUIT COURT CLERK

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA**

LORETTA MARRIE, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO: CV-2018-\_\_\_\_\_ )  
Defendants.

TYSON FOODS, INC., also known as TYSON FOODS OF ALABAMA INC., also known by various other names; Defendants 2-12 being the person or persons, firm or firms, corporation or corporations, responsible for any of the injuries, damages and losses suffered by the Plaintiff, and/or the wrongs perpetrated as against the Plaintiff whose true names are otherwise unknown at this time but upon ascertaining the Defendants true names they will be substituted for the aforementioned fictitious party defendants, by amendment,

**PLAINTIFF REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS  
FROM DEFENDANT(S)**

(Plaintiffs Request Production of Paper Documents, Not CD Disk)

COMES NOW, the Plaintiff by and through counsel and requests the Defendant Employer, to fully and completely respond to the following request for production of documents and things, by producing legible copies within the time allowed by law, as follows:

1. Please produce copies of any official documents that correctly states the Defendant's correct legal name.
2. Please produce a full and complete copy of the entire personnel file of the Plaintiff.
3. Please produce a list of all employees of the Defendant, along with their ages, date of hire and date of termination or date of separation, along with their last known address and phone numbers, from 2013 to date at the Defendant's plant where the Plaintiff last worked for the Defendant.
4. Please produce all correspondence, emails, text messages, voice mails, etc., that in any way refer to the Plaintiff and/or the Plaintiffs' termination.
5. Please produce all documents that in any way relate to Plaintiffs' Unemployment Compensation Claims.

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6. Please produce all documents that the Defendant Employer used in any way in responding to the Plaintiffs' interrogatories that were served with the Summons and Complaint upon the Defendant.

7. Please produce any/all employee handbooks, of the Defendant Employer Company that in any way relate to and address any/all reasons/procedures for punishing in any way including terminating employees, including but not limited to, any Code of Conduct book that has been in existence since 2013 to date.

8. Please produce any/all document of any kind that in any way relate to and/or refer to the termination of Plaintiffs' employment, with Defendant Employer.

9. Please produce any/all documents of any kind that in any way relate to any work done by the Plaintiff for the Defendant Employer Company, from her hire date to date.

10. Please produce any/all documents that in any way relate to the Defendant Employer giving any kind of written warnings to the Plaintiff for any reason during the entire time the Plaintiff worked for the Defendant/Employer to date.

11. Please produce any document signed by the Plaintiff or that the Defendant Employer tried to get the Plaintiff to sign on the date of the Plaintiff termination.

12. Please produce any/all documents that in any way reflect or refer to any individual that took the place of the Plaintiff, after she left her employment with Defendant Employer when she was terminated including not only the name of said individual, his/her age, address, and phone number.

13. Also please produce all documents that in any way reflect from January 1, 2013 to date the names, ages, addresses, and phone numbers of any/all employees over the age of 50 that have been terminated and also, reflect the employees that took their places, their ages, addresses and phone numbers.

14. Please produce all tape recordings, all videos, Internet transmissions and all oral/written phone/cell phone communications that in any way relates to the Plaintiff.

15. Please preserve and do not destroy, conceal or alter any paper or electronic file or other data regarding the Plaintiff and the subject incident, made the basis of this cause of action.

16. Please do not destroy, alter or conceal any statements of any one, including but not limited to, recorded or written regarding Plaintiff or the subject incident, made the basis of this cause of action. Please be aware that the failure to

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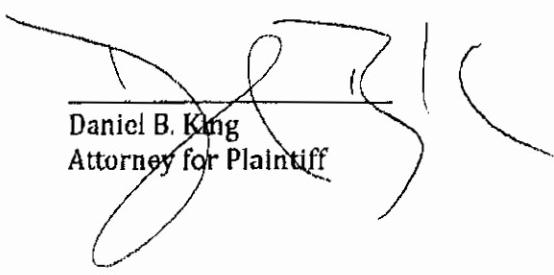
comply with this request for production and this notice can result in severe sanctions for the spoliation of evidence or potential evidence, under the law of Alabama.

17. Please produce (in paper form) all files, all documents, all information stored electronically and in hard copy format, regarding any of the documents previously requested for production herein, or that in any way relate to the Plaintiff and to the incident, made the subject of this cause of action.

18. Please produce all documents, manuals, employee agreements that relate to and/or refer to the Defendant Employer's rules and regulations that refer discipline including termination of employees by the Defendant Employer from 2013 to date.

19. Please produce all documents that in any way involve investigation and reports, with respect to Plaintiff termination, made the basis of this cause of action including anything Plaintiff signed or filled out from Defendant Employer. Also including all witness statement(s).

20. Please produce a copy of all documents that Defendant(s) intend to use for any reason during the discovery phase of this case and also produce all documents Defendant(s) will or may use for final trial of this cause of action.

  
Daniel B. King  
Attorney for Plaintiff

OF COUNSEL:

Daniel B. King  
King & King Attorneys, P.C.  
757 Chestnut Street  
Gadsden, AL 35901  
Phone #: (256)-547-2431  
Fax#: (256)-546-5675

SERVED WITH SUMMONS AND COMPLAINT

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DEC 10 2018

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CIRCUIT COURT CLERK

FILED

DEC 10 2018

State of Alabama Unified Judicial System Form C-34	<b>SUMMONS</b> <b>-CIVIL-</b>	Court Case Number ISANDRA "SAM" JOHNSON CIRCUIT CO 31-CV-2018-224 WFO
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IN THE Circuit COURT OF Etowah COUNTY, ALABAMA

(Circuit, District, or Juvenile)

(Name of County)

Loretta Marricv. Tyson Foods, Inc aka Tyson Foods of Alabama, Inc  
also known by various other names...

(Name(s) of Plaintiff(s))  
CT Corporation System registered agent for Tyson Foods, Inc. aka Tyson Foods of Alabama, Inc.  
NOTICE TO: 2 North Jackson Street, Suite 605, Montgomery, Alabama 36104 also known by various other names  
(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), Daniel B. King, WHOSE

(Name(s) of Attorney(s))  
ADDRESS(ES) IS/ARE: King and King Attorneys, P.C., 757 Chestnut Street Gadsden, Alabama 35901

(Address(es) of Plaintiff(s) or Attorney(s))

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY. CV2018224

**TO ANY SHERIFF OR**

Def

**RULES OF CIVIL**

You are hereby commanded to appear and answer to the complaint or other document in this action upon the above-named

TYSON FOODS  
...various.

copy of the Complaint or other document in

Service by certified mail of this Summons is initiated upon the written request of \_\_\_\_\_  
pursuant to the Alabama Rules of Civil Procedure.

12/10/18

(Name(s))

(Signature of Clerk)

(Name)

 Certified Mail is hereby requested.

(Plaintiff's Attorney's Signature)

**FILER****RETURN ON SERVICE**

Return receipt of certified mail received in this office on \_\_\_\_\_  
 I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_

J. Lockwood in M. Gadsden County,  
(Name of Person Served) (Name of County)  
Alabama on 12/14/18.

DS  
(Type of Process Server)

**JAN 08 2019**

C. Reynolds (Address of Server)  
C. Reynolds (Phone Number of Server)

CASSANDRA SAM  
CIRCUIT COURT CLERK